

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RANDY C. WILLIAMS

PLAINTIFF

V.

CIVIL ACTION NO. 3:21-CV-127-KHJ-RPM

THE STATE OF MISSISSIPPI

DEFENDANT

ORDER

Before the Court is the [25] Report and Recommendation (“Report”) of United States Magistrate Judge Robert P. Myers, Jr. It recommends the Court grant Defendant The State of Mississippi’s (“the State”) [23] Motion to Revoke Plaintiff Randy C. Williams’s *in forma pauperis* (“IFP”) status. [25] at 5. Written objections to the Report were due by June 15, 2023. *Id.* The Report notified the parties that failure to file written objections by that date would bar further appeal in accordance with 28 U.S.C. § 636. *Id.*

When no party has objected to a magistrate judge’s report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). Instead, the Court applies the clearly erroneous, abuse of discretion, and contrary to law standards of review. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (citation omitted).

Williams is serving a 30-year sentence for a 1997 rape conviction. [25] at 1; *Radcliff v. State of Mississippi*, 736 So. 2d 1081, 1082 (Miss. Ct. App. 1999). He was a minor at the time of his conviction and sentence. [25] at 1; *Radcliff*, So. 2d at 1082.

He contends his mandatory long-term sentence without the opportunity for parole violates the Eighth and Fourteenth Amendments. *See* Compl. [1]; [25] at 1. The Court granted Williams leave to proceed IFP on August 5, 2021. Order [7]. On October 18, 2022, the State moved to revoke Williams's IFP status because he incurred three strikes under the Prison Litigation Reform Act ("PLRA") before filing this lawsuit and the imminent danger exception does not apply. *See* [24]. Williams did not respond to the State's motion.

The Magistrate Judge agreed that Williams incurred three strikes under the PLRA before filing this lawsuit and the imminent danger exception did not apply. [25] at 3. Accordingly, the Magistrate Judge recommended granting the State's motion and revoking William's IFP status. *Id.*

Williams did not object to the Report, and his time to do so has passed. The Court finds the Report is not clearly erroneous or contrary to law. Accordingly, the Court adopts the Report as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [25] Report and Recommendation of United States Magistrate Judge Robert P. Myers, Jr. is adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Defendant's [23] Motion to Revoke William's IFP status is GRANTED. Plaintiff must pay the Clerk of the Court the required filing fee within 30 days of receiving this Order or have this case dismissed for want of prosecution.

SO ORDERED AND ADJUDGED this the 22nd day of June, 2023.

s/ *Kristi H. Johnson*

UNITED STATES DISTRICT JUDGE